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BROWNING-FERRIS INDUSTRIES

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-7680

E. William Hutton
Attorney

March 23, 1990

MAR 27 1990

Bruce L. Carlson, Esq.
Technical Advisor
Enforcement Programs
Illinois Environmental
Protection Agency
P. O. Box 19276
Springfield, Illinois 62794-9276

Re: L1630200005-St. Clair County
Sauget Sites, Area 2

Dear Bruce:

This letter is written in response to your oral request of March 4, 1990 for additional information concerning the above site. This information is being provided in addition to that previously provided in the January 18, 1990 response of Browning-Ferris Industries of St. Louis, Inc. ("BFISTL") to the Agency's request for information. Your oral information request addressed four separate matters.

First, you requested that BFISTL reconcile the information contained in its January 18, 1990 response with previous information submitted in 1981 pursuant to Section 103 of CERCLA ("103 Notification"). Following a review of the circumstances surrounding the making of the 103 Notification, it was learned that the document was prepared by the corporate office in a generic fashion for each of the company's operating districts. In other words, corporate headquarters checked the boxes regarding waste characterization, and then sent the form to the operating district for the purpose of filling out the name, address and contact person only. The 103 Notification was then submitted to the appropriate governmental agencies. As a result, the 103 Notification does not represent the waste transported to any particular site but rather the types of waste which might be transported on a national level. You will note, however, that in addition to the boxes checked by the corporate office, the operating district has checked the "other" box and wrote the further notation "paint sludges". That notation was consistent with the statement of Bernard Grewe that paint sludges were transported to Sauget Sites, Area 2 from U.S. Paint.

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Second, you asked that BFISTL investigate further to identify additional information that might exist with respect to the disposal of waste materials at Sauget Sites, Area 2. This further investigation has been completed, and is presented in the form of the attached affidavits, representing the statements of various individuals who had personal knowledge of disposal practices at the site. You will note that this additional investigation has uncovered additional information and clarified information previously provided to the Agency. This is not unexpected given the fact that these individuals were asked to recollect events occurring approximately twenty years ago. You should consider the information contained in these affidavits as representing the best recollection of these events, and that statements contained in the affidavits supersede any other statements or representations made by these individuals.

Third, you requested information concerning the corporate history of BFISTL. BFISTL was incorporated on May 10, 1971 as WMI, Inc. Its name was changed to BFISTL on January 26, 1973. BFISTL is a Delaware corporation authorized to do business in Missouri and Illinois. Over the years, the company has grown in size through the acquisition of other disposal companies. These included C&E Hauling Company, Hilltop Hauling, Inc. and Waste-Pak Company (who in turn was the owner of Disposal Services Company). Affiants Jerry Loveless, Bernard Grewe, Kenneth Smith and James Wieberg were all employees of these companies (and subsequently BFISTL) during pertinent time periods. Ralph Hatchet was at all times an employee of BFISTL.

Pursuant to our gathering of additional information, we have also included the affidavit of Herman Hueffmeier, who was previously an employee of Hueffmeier Brothers, Inc. ("Hueffmeier"). Certain assets of Hueffmeier were purchased for cash by BFISTL on January 1, 1976 (subsequent to the closing of Sauget Area 2) from the Macke Company, which was the sole stockholder of Hueffmeier. The Macke Company is based in Cheverly, Maryland. Those assets included motor vehicles and material handling equipment, the facility telephone number, customer contracts, accounts receivable, fuel inventories and other vehicle parts, and real property. BFISTL did not accept any claims or liabilities which arose during or related to the period of time prior to this transaction, and specifically obtained an indemnity from Macke with respect to such claims and demands. Moreover, upon taking possession of these assets, BFISTL acted in the reasonable course of business to paint the vehicles and other equipment so as to identify these as belonging to BFISTL. Finally, none of the principals or officers of Macke continued in a similar capacity with BFISTL. As a result, the Macke Company is the correct corporate entity with respect to transportation and disposal activities at Sauget Area 2 by Hueffmeier.

Fourth, you asked whether written records concerning the disposal of waste materials at Sauget Sites, Area 2 were available. Our further investigation revealed that these records were destroyed in 1986. Please see the affidavit of Adrian G. Andrzejewski.

I trust that this letter and the attached materials adequately respond to your oral request for additional information. Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

E. William Hutton
E. William Hutton

EWH/ta

Enclosures

cc: Bruce L. Jernigan
Gwen S. Walsh

AFFIDAVIT OF JAMES WIEBERG

I, JAMES WIEBERG, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 1, Box 30C, Robertsville, Missouri. I am currently employed as a landfill laborer by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by Hilltop Hauling, Inc. on July 16, 1967.

3. I drove a rear-end loader truck for Hilltop Hauling. My routes were residential and commercial and included customers such as private residences, restaurants and grocery stores in the Crestwood area of St. Louis, Missouri.

4. The waste was normally taken to landfills other than the Sauget Landfill, Area II.

5. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I transported commercial waste to the Sauget Landfill, Area II, on not more than twelve occasions, using side-loader equipment.

6. While I cannot recall the customers due to the passage of time, I do recall taking this waste to the Sauget Landfill, Area II, during the very late 1960's.

7. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

James Wieberg
James Wieberg

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 12/31/91
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF KENNETH SMITH

I, KENNETH SMITH, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at One Telluride Court, St. Peters, Missouri. I am currently employed as Shop Maintenance Supervisor by Browning- Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by C & E Hauling on November 22, 1970.

3. I drove roll-off equipment for C & E Hauling. My routes generally included customers in the southwestern portion of St. Louis, near Six Flags and Pacific, Missouri in South County. The waste emanating from these areas was taken to landfills other than the Sauget Landfill, Area II.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois.

5. I previously stated that I used the Sauget Landfill, Area II, on approximately three occasions sometime in the late 1960's.

6. I previously stated that I hauled waste from Cooper, now Ethyl Petroleum, to the Sauget Landfill, Area II on these three occasions.

7. On March 12, 1990, I visited the Sauget Landfill, Area II, and upon a careful review of the area, I determined that this was not the area in which I hauled Cooper's waste to.

8. To the best of my recollection, I took Cooper's waste to the Sauget Landfill to an area north of Area II, and which is also known to me as the Monsanto Landfill.

9. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not


Kenneth Smith

Sworn to and subscribed
before me this 22 day
of March, 1990.


Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF RALPH HATCHET

I, RALPH HATCHET, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 6914 Glenvale Court, St. Louis, Missouri. I am currently employed as an Operations Manager by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by BFISTL in June, 1972.

3. I drove a side-loader for BFISTL. My routes generally were residential and I used landfills other than the Sauget Landfill, Area II, for disposal of this waste.

4. I began driving roll-off equipment sometime in 1972, and while I cannot recall all customers due to the passage of time, some of the customers on my route for which I was responsible for included J. Weaver, Container Corp., Inmont Corp., St. Mary's Hospital, Pepsi-Cola, Chase Bag, Nabisco, and National Vendors.

5. I recall hauling waste from J. Weaver to the Sauget Landfill, Area II, on only a few occasions.

6. J. Weaver's waste consisted primarily of metal shavings.

7. I hauled drums for National Vendors at 5661 Natural Bridge Road, St. Louis, Missouri, to the Sauget Landfill, Area II, on not more than two occasions. The drums

were full and I do not know what the material was comprised of.

8. The waste which I hauled for St. Mary's Hospital, Container Corp., Inmont Corp., Pepsi-Cola, Chase Bag, Nabisco, and Venture Department Stores was disposed at landfills other than the Sauget Landfill, Area II.

9. I stopped using the Sauget Landfill, Area II, sometime in 1972 due to it closure.

10. I hereby swear ^{to the best of my knowledge and belief} that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

Ralph L Hatchet
Ralph Hatchet

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF BERNARD GREWE

I, BERNARD GREWE, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 5432 Carter Drive, House Springs, Missouri. I am currently employed as a sales representative by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by Disposal Services Company ("DSC") on June 6, 1968.

3. I drove roll-off equipment for DSC. My routes generally included industrial customers.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I used the Sauget Landfill, Area II, on a daily basis from the time of my employment with DSC until sometime in 1972 which is when I was promoted to a supervisory position within the offices of BFISTL.

5. While I cannot recall all customers due to the passage of time, I do recall hauling wastes from U.S. Paint, Dennis Chemical, Inmont Corp., Crown Cork & Seal, and The Barry Weinmiller Company which were taken to the Sauget Landfill, Area II.

6. I hauled drums from U.S. Paint to the Sauget Landfill, Area II. The wastes consisted primarily of paint sludge and pigments. I do not recall the frequency of the disposals.

7. I hauled drums from Dennis Chemical to the Sauget Landfill, Area II. The waste was liquid and I do not know what the material was comprised of, nor do I recall the frequency of the disposals.

8. I hauled drums from Inmont Corp. and Crown Cork & Seal to the Sauget Landfill, Area II. The waste was liquid and was comprised of a rubbery-type glue. I do not recall the frequency of the disposals.

9. I hauled construction debris from various downtown St. Louis locations, and for which I cannot recall specific customer names, to the Sauget Landfill, Area II. I do not recall the frequency of the disposals.

10. I recall that most of the trucks which I saw while I was dumping my loads at the Sauget Landfill, Area II, were Monsanto company vehicles and had the Monsanto name on the cabs. I also recall seeing Monsanto vehicles dumping drums at the Sauget Landfill, Area II.

11. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1991
ST. LOUIS COUNTY

Bernard A. Grewe Jr.

Bernard Grewe

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF JERRY LOVELESS

I, JERRY LOVELESS, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 5, Box 169, DeSoto, Missouri. I am currently employed as a Roll-off Driver by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a helper by Hilltop Hauling, Inc. on February 2, 1962.

3. I was a helper for approximately six months and was then promoted to a driver.

4. I drove a side-loader for Hilltop Hauling, Inc. My routes generally were residential and I used the Lonedale Road Landfill for disposal of this waste.

5. I was drafted into the United States Army in 1964 and served for a period of two years. I resumed my employment at Hilltop Hauling, Inc. when I was released from the armed forces. My routes generally were residential and commercial at this time.

6. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I used the Sauget Landfill, Area II, sporadically from sometime in ~~1962~~ ¹⁹⁶⁵ until just before its closure.

7. Dumping occurred over an extensive area located approximately west of Illinois State Route 3 and due west of the railroad tracks and the Mississippi River was the landfill's western boundary. The area of the landfill which I dumped at was south of the Monsanto Landfill.

8. Sauget Landfill, Area II, was known to me as a landfill which would accept all types of waste.

9. While I cannot recall all customers due to the passage of time, I do recall hauling wastes from Monsanto's Idaho Street facility to the Sauget Landfill, Area II. The wastes contained water with a white, gritty substance and a combustible white powder which was thought to be quick lime.

10. I also hauled wastes from Street Industry in St. Louis to the Sauget Landfill, Area II. The wastes contained empty bottles which may have at one time contained antifreeze.

11. I also hauled commercial waste to the Sauget Landfill, Area II. The waste emanated from commercial customers such as restaurants and grocery stores in and near the City of St. Louis.

12. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

Jerry A. Loveless
Jerry Loveless

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COM. EXPIRES DEC. 7, 1991
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF HERMAN HUEFFMEIER

I, HERMAN HUEFFMEIER, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 2, Box 230, Marthasville, Missouri. Missouri. I am currently employed as driver by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as swing-shift driver by Hueffmeir Brothers Inc. on May 21, 1971.

3. I drove front-end loaders and roll-off equipment. My routes generally included customers such as factories and construction sites.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois.

5. I used the Sauget Landfill, Area II, on an infrequent basis while filling in for sick or vacationing drivers.

7. The waste which I hauled to the Sauget Landfill, Area II, consisted primarily of paper, packing material and pallets which came from commercial locations such as restaurants and grocery stores.

8. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

Herman H. Hueffmeir
Herman Hueffmeir

Sworn to and subscribed
before me this 22 day
of march, 1990.

Carolyn D. Lauer
Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC - STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF ADRIAN G. ANDRZEJEWSKI

I, ADRIAN G. ANDRZEJEWSKI, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 2048 Lost Meadow Drive., St. Charles, Missouri. I am currently employed as District Accounting Manager by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as Assistant Regional Controller by Browning-Ferris Industries of Tennessee, Inc. on February 24, 1986.

3. I am responsible for BFISTL's record retention program, whose guidelines are set forth by Browning-Ferris Industries, Inc. ("BFI") and is outlined in its Policy and Procedures Manual.

4. Sometime in September 1986, I arranged for the removal and destruction of company records which, pursuant to BFI policy, were eligible for destruction.

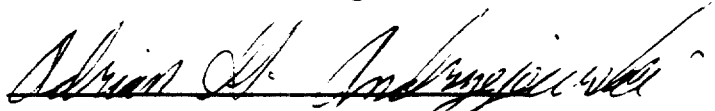
5. Generally, these company records were from vintage years starting in approximately 1940 and ending in approximately 1979.

6. I received guidance from BFI's legal department in regard to the destruction of these company records.

7. These company records were taken to the County Landfill, located off Lindbergh Highway and Page Avenue, in St. Louis, Missouri, for disposal sometime in September 1986.

8. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

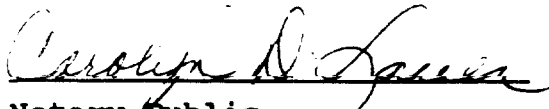


Adrian G. Andrzejewski

CAROLYN D. LAUER

NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES APR. 7, 1992
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.



Notary Public